

Message Text

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SUBJ: HUMAN RIGHTS: 1976 REPORTING REQUIREMENT

1. PAPUA NEW GUINEA ASSUMED COMPLETE CONTROL OVER ITS JUDICIARY AT INDEPENDENCE ON SEPTEMBER 16, 1975. FOR ALL PRACTICAL PURPOSES, HOWEVER, THE GPNG HAD ALREADY ACCEPTED RESPONSIBILITY FOR THE JUDICIARY AS EARLY AS JANUARY 30, 1975. ON THAT DATE AUSTRALIA COMPLETED THE GRADUAL TRANSFER OF POWERS WHICH LEFT THE AUSTRALIAN BASED JUDICIAL ESTABLISHMENT WITH ITS HUMAN RIGHTS PROCESS AND GUARANTEES FULLY IN FORCE.

2. WE CONTINUE TO EXPECT THAT BOTH THE HIGH STANDARDS THAT AUSTRALIA HAS INTRODUCED REGARDING HUMAN RIGHTS, AND THE ESSENTIALLY AUSTRALIAN BASED JUDICIAL SYSTEM TO REMAIN INTACT.

IT SHOULD BE NOTED THAT THE PAPUA NEW GUINEA CONSTITUTION CONTAINS A HUMAN RIGHTS SECTION CONTAINING STANDARDS APPROXIMATING THOSE FOUND IN WESTERN EUROPEAN STATES.

3. THE THRUST OF THE DEVELOPING VILLAGE COURTS SYSTEM, WHICH APPLIES TRADITIONAL CUSTOMARY LAW TO THE SETTLEMENT OF PETTY
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OFFENSES AGAINST LAW AND ORDER, CONTINUES TO BE DIRECTED AT

MAKING LAW MORE COMPREHENSIBLE TO VILLAGERS AND IS NOT CALCULATED TO DIMINISH HUMAN RIGHTS.

4. LASTLY THE CONSTITUTION MAKES PROVISION FOR THE ESTABLISHMENT OF A LAW REFORM COMMISSION, THE PURPOSE OF WHICH IS TO INVESTIGATE AND REPORT ON THE SUITABILITY OF UNDERLYING LAW AS IT RELATES TO THE CIRCUMSTANCES OF PAPUA NEW GUINEA. TO DATE THE LAW REFORM COMMISSION HAS NOT DEVIATED FROM, AND INDEED APPEARS TO BE FULLY SUPPORTIVE OF A HIGH STANDARD OF HUMAN RIGHTS.

5. SHOULD PNG ENTER INTO A PERIOD OF MASSIVE DETERIORATION IN LAW AND ORDER, OR BE FACED WITH A SERIES OF VIOLENT SECESSIONISTS THREATS, THE SITUATION WOULD REQUIRE ADDITIONAL REVIEW, BUT AT THIS TIME PROCEDURES FOR THE PROTECTION OF FUNDAMENTAL HUMAN RIGHTS AND THE FULL ARRAY OF RIGHTS INHERITED FROM AUSTRALIA ARE IN FULL FORCE.
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